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11 *Attorneys for Plaintiff*

12 **UNITED STATES DISTRICT COURT**

13 **DISTRICT OF NEVADA**

14 APRIL SARAGOSA,

15 Plaintiff,

16 v.

17 XIAMEN 45 ZHI JU TECHNOLOGY CO.,
18 LTD., a limited company *doing business as*
19 45minBedFrame; XIAMEN JIUGE NETWORK
20 TECHNOLOGY CO., LTD., a limited company
21 *doing business as* 45MINST; AMAZON, INC., a
22 domestic corporation; AMAZON.COM
23 SERVICES, LLC, a foreign limited-liability
24 company; AMAZON.COM NV INVESTMENT
HOLDINGS LLC, a Domestic Limited-Liability
Company; ROE MANUFACTURER, I-V; ROE
DISTRIBUTOR, I-V; ROE RETAILER, I-V;
ROE WHOLESALER, I-V; ROE
CONTRACTOR; ROE DESIGNER, I-V; ROE
EMPLOYER; ROE COMPANY, I-V; DOE
EMPLOYEE; DOE CONTRACTOR, ROE
WARRANTY COMPANY, and/or ROE
MAINTENANCE COMPANY, DOE SALES
REPRESENTATIVE, I-V, and DOES I-X,
inclusive, jointly and severally,

25 Defendants.

26 CASE NO: 2:22-cv-01380-RFB-BNW

27 **PROPOSED JOINT DISCOVERY PLAN**
AND SCHEDULING ORDER
SUBMITTED IN COMPLIANCE WITH
LR 26-1(b)

28 ///

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1 COMES NOW Plaintiff APRIL SARAGOSA by and through her counsel, GREGORY S.
2 CARUSO, ESQ., of BIGHORN LAW and Defendants AMAZON, INC., AMAZON.COM
3 SERVICES, LLC, AND AMAZON.COM NV INVESTMENT HOLDINGS, LLC, by and through
4 counsel RALEIGH C. THOMPSON, ESQ. of KAEMPFER CROWELL, hereby submits this
5 Proposed Joint Discovery Plan and Scheduling Order in Compliance with LR 26-1(b).
6

7 **1. Meeting:** Pursuant to FRCP Rule 26(f), a meeting was held on September 26, 2022,
8 and was attended telephonically by Gregory S. Caruso, Esq. of BIGHORN LAW for Plaintiff APRIL
9 SARAGOSA (“Plaintiff”) and Raleigh C. Thompson, Esq. of KAEMPER CROWELL for Defendants
10 AMAZON, INC., AMAZON.COM SERVICES, LLC, and AMAZON.COM NV INVESTMENT
11 HOLDINGS LLC, (“Amazon Defendants”). The remaining Defendants XIAMEN 45 ZHI JU
12 TECHNOLOGY CO., LTD., a limited company *doing business as* 45minBedFrame; XIAMEN
13 JIUGE NETWORK TECHNOLOGY CO., LTD., a limited company *doing business as* 45MINST
14 have yet to be served with process internationally or appear in this matter as they are believed to have
15 principal places of business in China.

17 **2. Pre-Discovery Disclosures:** Pursuant to FRCP Rule 26(a)(1)(A), both Plaintiff and
18 Amazon Defendants have served their respective pre-discovery disclosures, Plaintiff’s Initial on
19 October 10, 2022; and Amazon Defendants on October 10, 2022.

21 **3. Areas of Discovery:** The parties agree that the areas of discovery should include, but
22 not be limited to: all claims and defenses allowed pursuant to the Federal Rules of Civil Procedure, or
23 other applicable precedent, and as noticed within the Complaint on file herein.

24 **4. Discovery Plan:** The parties propose the following discovery plan:

25 **A. Discovery Cut-off Date(s):** LR 26-1(b)(1) provides that “unless otherwise
26 ordered, discovery periods longer than one hundred eighty (180) days from the date the first
27 defendant answers or appears will require special scheduling review.” The parties agree that
28

1 there is a need for a special scheduling review. Additional time is needed to serve Defendants
2 XIAMEN 45 ZHI JU TECHNOLOGY CO, LTD., and XIAMEN JIUGE NETWORK
3 TECHNOLOGY CO., LTD dba 45MINST (hereinafter collectively the “Chinese Defendants”)
4 through international service in China. The parties agree that discovery must be commenced
5 and completed no later than **May 22, 2023**. Further, the parties anticipate that both Plaintiff
6 and the Amazon Defendants will seek to conduct discovery with the Chinese Defendants and
7 anticipate that due to international service of process, translation of documents, translation of
8 discovery propounded, and awaiting answers and communications from international
9 defendants that discovery is likely to take longer than the typical 180 days.
10

11 **B. Amending the Pleadings and Adding Parties:** The parties shall have until
12 **February 21, 2023**, to file any motions to amend the pleadings to add parties. This is
13 approximately 90 days before the discovery cut-off date.
14

15 **C. FRCP 26(a)(2)(D) Disclosure of Experts:** Disclosure of experts shall proceed
16 according to FRCP Rule 26(a)(2) and LR 26-1(b)(3) as follows: The disclosure of experts and
17 their reports shall occur on or before **February 21, 2023**. The disclosure of rebuttal experts
18 and their reports shall occur on or before **April 21, 2023**. These deadlines are approximately
19 90 and 30 days before the discovery cut-off date, respectively.
20

21 **D. FRCP 26(a)(2)(D) Dispositive Motions:** Dispositive Motions shall proceed
22 according to FRCP Rule 26(a)(2) and LR 26-1(b)(4) as follows: The filing of dispositive
23 motions shall occur on or before **June 21, 2023**. This deadline is approximately 30 days after
24 the discovery cut-off date.
25

26 **E. Pretrial Order and FRCP 26(a)(3) Disclosures:** The parties will prepare a
27 consolidated Pretrial Order on or before **July 21, 2023**, which is not more than 30 days after
28 the date set for filing dispositive motions in the case, as required by LR 26-1(b)(5). This
29

1 deadline will be suspended if dispositive motions are timely filed pursuant to the deadline
2 prescribed in Section D above. The suspension will stay in place until the Court issues a ruling
3 on said dispositive motions. At that time, the parties will have 30 days to file the consolidated
4 Pretrial Order or follow a separate order of the Court. The disclosure required by FRCP Rule
5 26(a)(3), and objections thereto, shall be made in the Pretrial Order.
6

7 **F. Alternative Dispute Resolution:** The parties certify that they met and
8 conferred about the possibility of using alternative dispute resolution processes, including
9 mediation, arbitration, and, if applicable, early neutral evaluation. The parties wish to await
10 the international service and appearance of the Chinese Defendants before proceeding with any
11 alternative dispute resolution. This is premature at this time.
12

13 **G. Alternative Forms of Case Disposition:** The parties certify that they
14 considered consent to trial by a magistrate judge under 28 U.S.C. § 636(c) and FRCP 73, and
15 the use of the Short Trial Program (General Order 2013-01). This is premature and may be
16 reconsidered in the future pending appearance by the Chinese Defendants.
17

18 **H. Electronic Evidence:** The parties certify that they may present evidence in
19 electronic format to jurors for the purpose of jury deliberations in compliance with the Court's
20 electronic jury evidence display system.
21

22 **I. Court Conferences:** If the Court has questions regarding the dates proposed
23 by the parties, the parties request a conference with the Court before entry of the Scheduling
24 Order. **If the Court does not have questions, the parties do not request a conference with
the Court.**
25

26 **J. Extensions or Modifications of the Discovery Plan and Scheduling Order:**
27 LR 26-3 governs modifications or extensions of this Discovery Plan and Scheduling Order.
28 Any stipulation or motion to extend a deadline set forth in the discovery plan and scheduling
29

1 order must be made not later than 21 days before the subject deadline. A request made within
2 21 days of the subject deadline must be supported by a showing of good cause.
3

4 **K. Format of Discovery:** Pursuant to the electronic discovery amendments to the
5 Federal Rules of Civil Procedure effective December 1, 2006, the parties addressed the e-
6 discovery issues pertaining to the format of discovery at the Rule 26(f) conference. The parties
7 do not anticipate discovery of native files or metadata at this time, but each party reserves the
8 right to make a showing for the need of such electronic data as discovery progresses.
9

10 DATED 17th of October, 2022

11 By: /s/ Gregory S. Caruso, Esq.
12 KIMBALL JONES, ESQ.
13 Nevada Bar No.: 12982
14 GREGORY S. CARUSO, ESQ.
15 Nevada Bar No.: 13086
16 **BIGHORN LAW**
17 3675 W. Cheyenne Ave., Suite 100
18 North Las Vegas, Nevada 89032
19 *Attorney for Plaintiff*

DATED this 17th of October, 2022.

By: /s/ Raleigh C. Thompson, Esq.
RALEIGH C. THOMPSON, ESQ.
Nevada Bar No. 11296
SIHOMARA GRAVES, ESQ.
Nevada Bar No. 13239
KAEMPFER CROWELL
1980 Festival Plaza Drive, Suite 650
Las Vegas, Nevada 89135
*Attorneys for Amazon, Inc., Amazon.Com
Services, LLC, and Amazon.Com NV
Investment Holdings, LLC*

ORDER

18 IT IS ORDERED that ECF No. 15 is GRANTED in part and DENIED in part. It is
19 granted in all respects except that the deadline for initial expert disclosures
shall be March 21, 2023.

20 IT IS SO ORDERED
21 DATED: 3:25 pm, October 18, 2022

22 
23 BRENDA WEKSLER
24 UNITED STATES MAGISTRATE JUDGE
25
26
27
28



Jennifer Miller <jennifer.miller@bighornlaw.com>

RE: Saragosa v Amazon, et al. / Case No. 2:22-cv-01380-RFP-BNW

1 message

Raleigh Thompson <RThompson@kcnvlaw.com>
To: Jennifer Miller <jennifer.miller@bighornlaw.com>
Cc: Morganne Westover <MWestover@kcnvlaw.com>, Gregory Caruso <gregory@bighornlaw.com>

Mon, Oct 17, 2022 at 4:01 PM

Hi Jennifer,

The revised discovery plan looks fine. You can insert my e-signature.

Thanks,

Raleigh



Raleigh C. Thompson

Kaempfer Crowell

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From: Jennifer Miller <jennifer.miller@bighornlaw.com>
Sent: Friday, October 14, 2022 2:29 PM
To: Raleigh Thompson <RThompson@kcnvlaw.com>